

City of Llano

UNIFIED DEVELOPMENT CODE**CHAPTER 110: ZONING****SECTION 110.01: MOBILE FOOD VENDORS****(1) General****(A) Popular name**

This section may commonly be referred to as the "mobile food vendor ordinance."

(B) Purpose

This section is adopted so that the city council may enact the appropriate administrative and regulatory rules and procedures pertaining to mobile food vendors.

(C) Scope of jurisdiction

All of the provisions of this article shall apply within the city limits (i.e., incorporated municipal boundary) of the city.

(D) Definitions

City limits. The incorporated municipal boundary of the city.

Food court. Two or more mobile food vendors in the same location.

Food establishment. An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption:

(1) Such as a restaurant; retail food store; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or food bank; and

(2) That relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

Location. A mobile food vendor must relocate at least 2,000 feet from its current work location in order to not be considered located in the “same location.”

Mobile food establishment. A vehicle-mounted food establishment that is readily moveable.

Mobile store/mobile vendor. A vehicle-mounted retail store that is readily moveable and provides goods and/or services directly to a consumer. A mobile store includes (but is not limited to) a self-propelled motor vehicle or trailer, including a recreational vehicle, motor home, travel trailer or camper trailer. A mobile food establishment is an example of a mobile store. The term mobile store includes a mobile vendor.

Permit. A license, certificate, approval, registration, consent, contract or other form of authorization required by law, rule, regulation, order or ordinance that a person shall obtain to perform an action or initiate, continue, or complete a project for which the permit is sought.

Site. A platted or unplatted lot in the city limits treated as a single tract for purposes of the assessment of property taxes. A site may be identified by its address, or legal property description.

(E) Water and electricity

- (1) Water provided or used by the mobile food vendor shall not come from a temporary connection to potable water.
- (2) Electricity shall be only from an electrical outlet via a portable cord that conforms to the city’s electrical code and permitted by any provider.
- (3) The use of a generator for electricity is prohibited, except when located more than 250 feet from any existing residence or commercial operation.

(F) Fire safety

Mobile food vendors shall comply with all city fire safety standards. This requirement also applies to mobile food establishments that:

- (1) Maintain food at a hot holding temperature by mechanical means; and
- (2) Use a pressurized fuel system or container.

(G) Trash

All mobile food vendors shall:

- (1) Be equipped with an attached trash receptacle approved by the city staff;

- (2) Hold, store, and dispose of solid and liquid waste in a lidded receptacle approved by the city and that complies with any other applicable city code requirements;
- (3) Provide a lidded trash receptacle for use by customers; and
- (4) Maintain the area around the mobile unit clear of litter and debris at all times.

(H) Provisions

- i. All mobile food vendors shall comply with all city and state adopted health regulations regarding:
 - a. Time, temperature, plumbing, operation and maintenance requirements for mobile food establishments;
 - b. A mandatory central preparation facility, serving area, and operations;
 - c. All requirements prohibiting alteration, removal, attachments, placement or change in, under, or upon the mobile food establishment that would prevent or otherwise reduce ready mobility of the mobile food establishment unit.
- ii. All mobile food vendors shall acquire a food handling permit from a training program of the American National Standards Institute or Department of State Health Services; but rules are more substantial, as deemed appropriate by the city, if vendor is at a same location for at least 10 days out of a month.
- iii. The city may require a mobile food vendor to appear, on an annual basis, to a location designated by the health authority for an inspection.
- iv. The city may require that mobile food vendors found to violate this section to appear for a reinspection at a location designated by the city.
- v. All mobile food vendors are required to store all food and supplies within the mobile unit, no outside storage will be allowed.
- vi. All mobile food vendors are required to have displayed, on the mobile unit, the proper city-issued permits in order to operate within the city.
- vii. All mobile food vendors are permitted to operate only in the Commercial, Central Business, Northern Business zoning districts, and Robinson and Badu Parks specified in Llano Code of Ordinances, Chapter 110, Div. 4, Section 451 (zoning use table).
- viii. All mobile food vendors are prohibited from serving between the hours of 11:00 p.m. and 6:00 a.m.

- ix. All mobile food vendors are prohibited from being located within 100 feet of a restaurant of general use or a restaurant of limited use unless granted permission from all said restaurants.
- x. A drive-in service is not permitted for any mobile food vendor.
- xi. All mobile food vendors shall comply with the federal Americans with Disabilities Act.

(I) Enforcement

(1) Civil and criminal penalties. The city shall have the power to administer and enforce the provisions of this article as may be required by governing law. Any person violating any provision of this article is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this article is hereby declared to be a nuisance.

(2) Criminal offense.

- a. It is a criminal offense to erect, install, park or operate a mobile food store in violation of this article.
- b. Per section 6.02(b) of the Texas Penal Code, an offense under this article is a strict liability offense requiring no showing of a culpable mental state.
- c. An offense under this article is a misdemeanor punishable by a fine not to exceed two thousand dollars (\$2,000.00/day).

(3) Civil remedies. Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including, but not limited to the following:

- a. Injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article;
- b. A civil penalty up to five hundred dollars (\$500.00) a day when it is shown that the defendant was actually notified of the provisions of this article and after receiving notice committed acts in violation of this article or failed to take action necessary for compliance with this article; and
- c. Other available relief.

(2) Permits, Prohibitions, and Exceptions

(A) City authority

The city's acceptance, review, and approval of all permits for mobile vendors is hereby enacted.

(B) Permit required- It is an offense for a person to erect, install, park, or operate a mobile food store in the city limits without a vendor permit, obtained from the Llano Police Department.

(3) Food Court

(A) Permit application

A person who seeks to operate a mobile food establishment, or a mobile food court, shall:

(1) Submit a written application to the city code enforcement office, which shall include the following information:

- (A) Zoning District for proposed mobile food vendor location
- (B) Map of location and diagram/concept plan
- (C) Proposed Signage
- (D) Copy of event permit, if applicable
- (E) Parking plan
- (F) Access to roads/driveways
- (G) Any variances or special exceptions being requested
- (H) Utilities specifications (water, sewer/septic, gas, electricity)
- (I) Bathroom access
- (J) Proposed hours and days of operation
- (K) Solid waste disposal (both for mobile food vendor and trash receptacle for patrons)
- (L) Location and name of individual mobile food vendors, if more than one vendor is requested.
- (M) Additional information as required by staff if deemed necessary

(2) Include with the application proof of:

- (A) Sales tax certificate; and
- (B) Sales tax report.

(B) Tax certificate

Mobile food vendors shall possess, during hours of operation, a tax certificate showed as paid.

(C) Permit revocation

A vendor permit shall be revoked if any of the provisions of this article are not strictly adhered to.

(E) Restrooms

All mobile food vendor courts with multiple vendors shall provide city-approved restrooms for customers.

(F) Special Event Temporary Food Court

A mobile food court at which no mobile food vendor shall be in place for more than 10 days may apply for a permit, but only in districts in which a mobile food court is allowed in the Use Chart. Temporary food courts shall provide all information required before establishing the temporary food court.

1. Information required for special event/temporary mobile food courts
 - a. A clear criminal history, as proven through a background check run by the City of Llano Police Department.
 - b. A current certificate from the Department of Health.
 - c. 501c3 certificate, if applicable